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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,780	04/03/2000	Steve Nishimoto	INLT-0349-US(P8539)	4975

7590

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EXAMINER

LEE, CHRISTOPHER E

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/541,780

Applicant(s)

NISHIMOTO, STEVE

Examiner

Christopher E. Lee

Art Unit

2189

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-23.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☒ The proposed drawing correction filed on 22 November 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.

10. ☐ Other: \_\_\_\_\_

  
RUPAL DHARIA  
PRIMARY EXAMINER

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Attachment PTO-303

### DETAILED ACTION

1. Receipt is acknowledged of the Response to Office Action filed on 22<sup>nd</sup> of November, 2002. No claims has been amended; no claims has been canceled; and no claims has been newly added. Currently, claims 1-23 remain as rejected as set forth in the Final Action mailed on 25<sup>th</sup> of September, 2002.

#### *Response to Arguments*

2. Applicant's arguments filed on 22<sup>nd</sup> of November, 2002 have been fully considered but they are not persuasive.

*In response to the Applicant's argument with respect to "Rejections of Claims 1-9, the Examiner still fails to show where Tjandrasuwita teaches or suggests ..., the Examiner fails to establish a prima facie case of obviousness for claim 1"* on Response, page 5, lines 18-21, the Examiner respectfully disagrees. Contrary to the Applicant's statement, **AAPA teaches the limitation the second circuit in a second mode, communicates indications of first data to an output terminal in synchronization with a first phase of a clock signal** (See Final Action mailed on 25<sup>th</sup> of September, 2002 - hereinafter Final Action, page 3, lines 12-16) and **Tjandrasuwita teaches the limitation prevents communication of second data during a second phase of the clock signal** (See Final Action, page 3, lines 16-19) with a **proper motivation** (See Final Action, page 3, lines 10-12).

*In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Applicant's argument with respect to "(1)Rejections of Claims 1-9, the Examiner has failed to provide support for alleged... , the Examiner fails to establish a prima facie case of obviousness for claim 1"* on Response, page 5, lines 22-26,

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“(2)Rejections of Claims 15-19, the Examiner still fails to establish a *prima facie* case of obviousness for... combine alleged Applicant’s admitted prior art with Tjandrasuwita” on Response, page 6, lines 7-10, and “(3)Rejections of Claims 20-23, the Examiner still fails to establish a *prima facie* case of obviousness for claim 20... combine Tjandrasuwita with the alleged Applicant’s admitted prior art” on Response, page 6, lines 18-20, the Examiner respectfully disagrees. In contrary, the “clock gating apparatus”, which is taught by Tjandrasuwita, is well known to one of ordinary skill in the art of digital circuit design at the time of the invention was made, for controlling (i.e., allowing or preventing) communication of a data during a specific phase of a clock signal. Therefore, there is some teaching, suggestion, or motivation to do so found in the knowledge generally available to one of ordinary skill in the art.

*In response to the Applicant’s argument with respect to “Rejections of Claims 10-14, Similarly, the computer system of claim 10 specifies that the second circuit causes to in a second mode, communicate indications of first data to a wire in synchronization second phase of a clock signal. The Examiner fails to show ...., the Examiner fails to provide support for a suggestion or motivation to combine Applicant’s admitted prior art and Tjandrasuwita.”* on Response, page 5, line 29 through page 6, line 4, the Examiner respectfully disagrees. Contrary to the Applicant’s statement, the Applicant does not claim the alleged limitation in the claim 10. Instead, the Applicant claims **the second circuit causes to in a second mode, communicate indications of first data to a wire in synchronization with the first phase and prevent communication of the second data during the second phase of a clock signal** (See Application, claim 10). Furthermore, **AAPA teaches the limitation the second circuit causes to in a second mode, communicate indications of first data to a wire in synchronization with the first phase** (See Final Action, page 8, lines 3-6) and **Tjandrasuwita teaches the limitation prevent communication of the second data during the second phase of a clock signal** (See Final Action, page 8, lines 7-9) with a **proper motivation** (See Final Action, page 8, lines 1-2).

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*In response to the Applicant's argument with respect to "Rejections of Claims 20-23,*

Furthermore, Tjandrasuwita teaches disabling all communications, not disabling a data state associated with one phase of a clock signal and allowing communications to precede with another phase of a clock signal." on Response, page 6, lines 20-24, the Examiner respectfully disagrees. In contrary to the Applicant's statement, Tjandrasuwita teaches an AND-gate in a clock gating circuitry, as disabling a clock signal to a latch circuit. Disabling the latch doesn't prevent the communication of all data in the Applicant's invention, but the disabling of a particular phase of a clock signal to disable communication of the second set of data using the combination of the EN2 enabling signal and the CLOCK, which is similar to the applicant's invention. This was discussed in the Final Action.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Lee whose telephone number is 703-305-5950. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Christopher E. Lee  
Examiner  
Art Unit 2189

cel/ *CSC*  
December 5, 2002

  
RUPAL DHARIA  
PRIMARY EXAMINER